

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rory L. Block et al.	Examiner: Paul D'Agostino
Serial No.: 10/629,110	Group Art Unit: 3714
Filed: July 29, 2003	Docket: 1842.224US1
For: GAMING TERMINAL NETWORK WITH A MESSAGE DIRECTOR	

APPEAL BRIEF UNDER 37 CFR § 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on March 30, 2009, from the Final Rejection of claims 1-6 and 8-34 of the above-identified application, as set forth in the Final Office Action mailed on December 30, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). Appellant respectfully requests consideration and reversal of the Examiner's rejections of pending claims.

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC.

2. RELATED APPEALS AND INTERFERENCES

There are no appeal(s) or interference(s) that may have a bearing on the Board's decision in the present appeal

3. STATUS OF THE CLAIMS

The application was filed on July 29, 2003 with claims 1-9. In the Amendment and Response filed on July 24, 2007 to the Non-Final Office Action mailed on January 24, 2007, no claims were added or canceled. In the Amendment and Response filed on February 20, 2008 to the Final Office Action mailed on September 20, 2007, claims 10-14 were added. In the Amendment and Response filed on November 3, 2008 to the Non-Final Office Action mailed on June 3, 2008, claims 15-18 were added. Claims 1-18 are currently pending in this patent application. A Final Office Action was mailed on December 30, 2008. Claims 1-14 stand twice-rejected and their rejection provide the basis for the appeal of claims 1-18 in this matter.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action mailed December 30, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Aspects of the present inventive subject matter include, but are not limited to, methods and systems for providing a gaming terminal network with a message director.

INDEPENDENT CLAIM 1

1. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:
 - receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals [*see, e.g., p. 11, line 14 – p. 12, line 6*];
 - identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue [*see, e.g., p. 13, lines 4-10; FIG. 6*]; and
 - transmitting the received primary event message to the identified first application queue [*see, e.g., p. 13, lines 4-10; p. 14, lines 9-15*].

DEPENDENT CLAIM 4

4. The method of claim 2, further including executing the first application on a secondary server in communication with the central server [*see, e.g., p. 14, line 20 – p. 15, line 2; p. 18, lines 4-20*].

INDEPENDENT CLAIM 8

8. A gaming network comprising:
 - a gaming terminal for generating an event message [*see, e.g., p. 10, lines 7-16; p. 14, lines 16-17; FIG. 7 at 101*]; and
 - a central server in communication with the gaming terminal [*see, e.g., p. 9, lines 3-5; FIG. 4 at 40*], the central server including:
 - a routing queue operable to receive a plurality of event messages including the

event message for one or more applications [*see, e.g., p. 11, line 18 – p. 12, line 6; FIG. 5 at 72*],

a plurality of application queues, each application queue operable to receive one or more event messages of the plurality of event messages, each application queue associated with an application of the one or more applications to process the received one or more event messages in each respective application queue [*see, e.g., p. 11, line 18 – p. 12, line 6; FIG. 5 at 59, 60, 61, 62, 63, 64, 65, 66, 67, 68*],

an association data structure, implemented using a relational database and operable to establish an association between the plurality of event messages and at least one application queue of the plurality of application queues [*see, e.g., p. 13, lines 4-10; FIG. 6*],

wherein the central server is operable to receive the plurality of event messages in the routing queue, identify via the association data structure at least one application queue of the plurality of application queues corresponding to the received plurality of event messages and transmit the received plurality of event messages to the at least one application queue identified via the association data structure [*see, e.g., p. 11, line 18 – p. 12, line 6; FIG. 5 at 59, 60, 61, 62, 63, 64, 65, 66, 67, 68*].

INDEPENDENT CLAIM 9

9. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in the central server from one of the plurality of gaming terminals [*see, e.g., p. 11, line 18 – p. 12, line 6; FIG. 5 at 72*], the central server including an association data structure implemented using a relational database, the association data structure associating the primary event message with at least one application configured to process the primary event message [*see, e.g., p. 13, lines 4-10; FIG. 6*];

identifying, using the association data structure, at least one application to process the primary event message [*see, e.g., p. 13, lines 4-10; FIG. 6*]; and

transmitting the received primary event message to the identified at least one application for processing [*see, e.g., p. 13, lines 4-10; FIG. 6*].

INDEPENDENT CLAIM 10

10. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals [*see, e.g., p. 11, line 18 – p. 12, line 6; FIG. 5 at 72*];

identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to the first application queue [*see, e.g., p. 13, lines 4-10; FIG. 6*];

identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data structure storing the association of the primary event message to the second application queue [*see, e.g., p. 13, lines 4-10; FIG. 6*]; and

transmitting the received primary event message to the identified first and second application queues [*see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6*].

DEPENDENT CLAIM 11

11. The method of claim 10, wherein the transmitting the received primary event message to the identified first and second application queues includes using message queuing, the message queuing including a store-and-forward mechanism [*see, e.g., p. 12, lines 16-21*].

DEPENDENT CLAIM 15

15. The method of claim 1, wherein identifying the first application queue associated with the first application configured to process the primary event message comprises:

determining an event type associated with the primary event message [*see, e.g., p. 13, line 21 – p. 14, line 4*]; and

determining, using the relational database, a queue identifier related to the event type, the queue identifier identifying the first application queue [*see, e.g., p. 13, line 21 – p. 14, line 4*].

INDEPENDENT CLAIM 18

18. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals [*see, e.g., p. 11, line 14 – p. 12, line 6*];

identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue [*see, e.g., p. 13, lines 4-10; FIG. 6; FIG. 7 at 123*];

transmitting the received primary event message to the identified first application queue [*see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6; FIG. 7 at 124*];

retrieving the primary event message from the first application queue with the first application [*see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6; FIG. 7 at 125*];

processing the primary event message with the first application [*see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6; FIG. 7 at 125*];

identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data

structure storing an association of the primary event message to the second application queue [see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6; FIG. 7 at 126]; and routing the primary event message to the second application queue [see, e.g., p. 13, lines 4-10; p. 14, line 11 – p. 15, line 2; FIG. 6; FIG. 7 at 126].

This summary is presented in compliance with the requirements of 37 CFR § 41.37(c)(1)(V), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims or their equivalents in any way.

Therefore, the preceding summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers the Board to the appended claims and their legal equivalents for a complete statement of the invention. Page and line numbers or other references to Appellant’s specification are given are exemplary in nature and not intended to be an exhaustive listing of each and every location where the particular subject matter can be found in the application.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- I.) Claims 1-11, 15-16 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Acres (U.S. Patent 6,319,125).
- II.) Claims 12-14, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Bowman-Amuah (U.S. Patent No. 6,289,382).

7. ARGUMENT

A) The Applicable Law

A.1 Standard of Review

"[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant.

After evidence or argument is submitted by the applicant in response, patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.

If examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)(citations omitted); *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988).

A.2 The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

A.3 The Applicable Law under 35 U.S.C. §103

Obviousness requires that the Examiner meet his or her burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d

(BNA) 1596, 1598 (Fed. Cir. 1988). As discussed by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc. et al.* (U.S. 2007), the determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. See also *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 7, 1336-37 (Fed. Cir. 2005). The legal conclusion, that a claim is obvious within § 103(a), depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17 (1966): (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

In combining prior art references to construct a *prima facie* case, the Examiner must show some objective evidence in the prior art or some knowledge generally available to one of ordinary skill in the art that would lead an individual to combine the relevant portions of the references. *In re Fine*. However, the level of skill is generally that of the person who follows the conventional wisdom in the art. *Standard Oil Co. v. American Cyanamid Co.*, 774 F.2d 448, 474, 227 U.S.P.Q. 293, 298 (Fed. Cir. 1985). An invention can be obvious even though the reason to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d (BNA) 1443 (Fed. Cir. 1992). But the requirement of some reason to combine references in a *prima facie* case of obviousness is emphasized in the Federal Circuit opinion, *In re Sang Su Lee*, which notes that the reason must be supported by some evidence in the record. *In re Sang Su Lee*, 277 F.3d 1338; 61 U.S.P.Q.2D 1430 (Fed. Cir. 2002).

The *KSR* Court merely rejected a rigid application of any “teaching, suggestion, motivation” test; it recognized that a more flexible conception of the test is entirely consistent with the *Graham* analysis. *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 USPQ.2d 1385 (2007). The test for obviousness under § 103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985). References must be considered in their entirety, including parts that teach away from the claims. See M.P.E.P. § 2141.02. The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

Notably, the *KSR* Court affirmed that “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831,834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh’g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990). Moreover, when a reference teaches away from a claimed invention, this fact highly probative that the reference would not have rendered the claimed invention obvious to one of ordinary skill in the art. *Stranco Inc. v. Atlantes Chemical Systems, Inc.*, 15 USPQ2d 1704, 1713 (Tex. 1990). If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The CCPA has also noted that “[t]he court must be ever alert not to read obviousness into an invention on the basis of the applicant’s own statements; that is, we must view the prior art without reading into that art appellant’s teachings.” *In re Sponnoble*, 160 USPQ 237, 243 (CCPA 1969). Thus, these principles have not been changed by the ruling in *KSR*.

B) The References

Acres (U.S. 6,319,125): relates to a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices (*see Acres at Abstract*).

Bowman-Amuah (U.S. 6,289,382): relates to a system for delivering a service via a globally addressable interface (*see Bowman-Amuah at Abstract*).

C) *Discussion of the Rejections*

C.1. The rejection of claims 1-11, 15-16 and 18 using Acres.

Concerning Claims 1, 8-10, 15, and 18

Appellant respectfully submits that a *prima facie* case of anticipation of independent claims 1, 8-10, 15, and 18 has not been established because Acres fails to disclose all elements in the arrangement recited in the present claims.

Appellant submits that Acres does not disclose “identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18. Instead, Acres refers generally to routing messages. As Acres states:

FIG. 36 shows a flow diagram of a routine for controlling a message receipt from the network using RRM 373 as shown in FIG. 35. The routine identifies and decodes incoming messages and routes them to the appropriate event manager. Blocks 392-394 form an infinite processing loop that is performed whenever a new message (event) is received into the message queue 372. During each iteration of the loop (blocks 392-394), each new message is received and decoded (block 392). If the message is addressed to the particular bonus server 370 (block 393), the message is routed to the appropriate event manager (CSM 380, BCM 378 or MCM 376) (block 394). Otherwise, the message is ignored.

Acres at col. 31, line 50 to col. 32, line 5. As illustrated, Acres does not describe the use of an association data structure to identify a first application queue associated with a first application configured to process the primary event message,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18.

Furthermore, Appellant cannot find in the cited portions of Acres any disclosure or description of “the association data structure implemented using a relational database” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18. Instead, the Final Office Action refers to FIGS. 2A-2N of Acres and states that a “relational database implicitly disclosed wherein Figs. 2A-2N teach of ‘A configuration workstation 359 is used to monitor, configure and modify bonus parameters on the bonus server 351...’” Final Office Action of December 30, 2008 at p. 4, lines 17-22 (citing Acres at col. 18, lines 14-18 and FIGS. 2A-2N). Appellant has

reviewed these cited portions of Acres and submits that Figures 2A-2N merely illustrate representative user interfaces of a configuration workstation 359. Appellant does not concede that Acres' FIGS. 2A-2N disclose a relational database. Even if, *in arguendo*, the user interfaces in FIGS. 2A-2N of Acres do imply a relational database, they clearly do not provide the disclosure needed to anticipate "identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message," as recited in claim 1 and similarly recited in claims 8, 9 10, 15, and 18. As provided by the MPEP 2121.01:

"In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure'..." *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003) (At issue was whether a prior art reference enabled one of ordinary skill in the art to produce Elan's claimed transgenic mouse without undue experimentation. Without a disclosure enabling one skilled in the art to produce a transgenic mouse without undue experimentation, the reference would not be applicable as prior art.). A reference contains an "enabling disclosure" if the public was in possession of the claimed invention before the date of invention. "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention." *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

Thus, even if one were to consider that the user interfaces provided for relational database, there is no disclosure enabling how one would use such databases for the processes described in Appellant's claims.

Moreover, to the extent that the Final Office Action is asserting that Figures 2A-2N of Acres inherently disclose a relational database; Appellant respectfully refutes this tacit assertion. In particular, to be considered an inherent feature, "the examiner must provide basis in fact

and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” MPEP § 2112, citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112, citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (emphasis in original). As such, Appellant respectfully submits that it is not necessarily inherent to the operation of the system referred to in Acres to use a relational database in a user interface. As a counterexample, data managed by a user interface may be stored and arranged one or more files in a computer file system. Thus, because alternative implementations are possible, it is clearly neither necessary nor inherent that “the association data structure [be] implemented using a relational database,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18.

In addition, in response to the Examiner’s obviousness-type rejection based on a product-by-process analysis (see Office Action of December 30, 2008 at p. 5), Appellant respectfully submits that none of the claims 1, 8-10, 15, or 18 are product-by-process claim. In particular, claims 1, 9, 10, 15, and 18 are method claims, as clearly expressed in their preamble. In addition, claim 8 is a system claim, as provided by its preamble. The Office Action did not provide any other basis for sustaining an obviousness-type rejection against these claims. Hence, Appellant respectfully submits that a rejection using product-by-process jurisprudence is inappropriate.

Thus, because Acres apparently does not disclose or describe all of elements of these claims in the arrangement provided in these claims, Appellant respectfully submits that no *prima facie* case of anticipation exists with respect to claims 1, 8-10, 15, and 18. Moreover, Appellant respectfully submits that no *prima facie* case of obviousness exists with respect to claims 1, 8-10, 15, and 18 because Acres does not disclose, teach, or suggest all of the elements of these claims. In addition, the rejection of these claims under § 103 using a product-by-process analysis is inappropriate and insufficient to establish a grounds for finding obviousness. Accordingly, Appellant respectfully requests reconsideration and reversal of the § 102 and § 103 rejections of these claims.

Concerning claim 4

Appellant respectfully submits that a *prima facie* case of anticipation of dependent claim 4 has not been established because Acres fails to disclose all elements in the arrangement recited in claim 4.

Appellant submits that Acres does not disclose “executing the first application on a secondary server in communication with the central server,” as recited in claim 4. Instead, the cited portion of Acres refers generally to different types of bonus servers. As Acres states:

FIG. 5 shows a functional block diagram of a bonus promotion system 350 according to the present invention. The system 350 includes a bonus server 351 which is the central control point for each of the bonus promotions except the multiple jackpot 310. The bonus server 351 tracks cash-in for the bonus pool 304 and hidden pool 306 and determines the appropriate time at which to award each bonus prize. In the described embodiment, a single bonus server 351 controls all progressive jackpots 309. Second and third bonus servers 351 respectively control the car mystery and cash mystery variants of the participation bonuses 308. A fourth bonus server 351 controls the cash bonus 307. Since the multiple jackpot 310 is initiated at random times by insertion of a special card in a bank controller 355, no bonus server 351 is dedicated to controlling the multiple jackpot 310.

Acres at col. 17, lines 18-33. Clearly, there is no disclosure of messages being received at one bonus server and then forwarding or transmitting the message to another bonus server. As such, this cited portion of Acres is insufficient to anticipate “executing the first application on a secondary server in communication with the central server,” where “a first application queue associated with a first application configured to process the primary event message” and “transmitting the received primary event message to the identified first application queue,” as recited and incorporated into claim 4 from base independent claim 1.

Moreover, Appellant respectfully submits that other portions of Acres relied upon by the Final Office Action are also insufficient to anticipate claim 4. In particular, Figure 35 and associated text at column 31, lines 6-39, clearly refer to a single bonus server 370, which includes or incorporates the event managers. As stated in Acres:

The control method is organized into four event managers: request response manager (RRM) 373; configuration service manager (CSM) 380; meter calculation manager (MCM) 376; and bonus control manager (BCM) 378. Within the bonus server 370, messages are passed for communicating information and revising status indicators. Each event manager will now be discussed.

Acres at col. 31, lines 6-12. Clearly these event managers are located on the same bonus server 370.

Moreover, Appellant respectfully submits that this portion of Acres is also insufficient to render claim 4 obvious. In particular, there is no disclosure, teaching, or suggestion in the cited portions of Acres of locating these event managers on different or various servers. To go even further, there is no disclosure, teaching, or suggestion in these cited portions of Acres of using an external queuing mechanism to provide for distribution of services across several machines.

Thus, because Acres apparently does not disclose or describe all of elements of claim 4 in the arrangement provided in this claim, Appellant respectfully submits that no *prima facie* case of anticipation exists with respect to claim 4. Moreover, because Acres does not disclose, teach, or suggest all of the elements of claim 4, Appellant respectfully submits that no *prima facie* case of obviousness exists with respect to claim 4. Accordingly, Appellant respectfully requests reconsideration and reversal of the § 102 and § 103 rejections of this claim.

Concerning claim 11

Appellant respectfully submits that a *prima facie* case of anticipation of dependent claim 11 has not been established because Acres fails to disclose all elements in the arrangement recited in claim 11.

Appellant submits that Acres does not disclose “using message queuing, the message queuing including a store-and-forward mechanism,” as recited in claim 11.

Instead, the cited portion of Acres refers generally to using message queues. As Acres states:

RRM 373 controls the interfacing of the bonus server 370 over the network to the remainder of the bonus promotion system 350. RRM 373 sends and receives data packets over the network via a socket connection

371. Incoming data packets are temporarily stored in a message queue 372. If an incoming data packet is a broadcast message or is addressed to the bonus server 370, the data packet is initially placed in the message queue 372 by the socket connection 371 and subsequently forwarded by RRM 373 to a packet decode module 374. Outgoing data packets from CSM 380 and BCM 378 are temporarily stored in a message queue 385. Each outgoing packet is removed from the message queue 385 by a response module 386 and subsequently forwarded by RRM 373 to the socket connection 371 for transmission over the network.

CSM 380 interfaces the bonus server 370 to the DACOM host 354 and configures the gaming devices 300 participating in the bonus server's promotion through their respective MCIs 356. Incoming packets for CSM 380 are stored in a message queue 379. CSM 380 accesses stored configure values 382 for the bonus server 370 through a configuration data control module 381. For interfacing with the DACOM host 354, CSM 380 process history response queries, controls the on-line status of the bonus server 370 and sends a software signature at least once a day. For gaming device 300 configuration, CSM 380 transmits configuration information whenever a new MCI 356 comes on-line and can take any MCI 356 off-line.

BCM 378 detects a bonus condition and notifies the other components in the bonus promotion system 350 prior to, during and after the bonus award. Incoming packets for BCM 378 are stored in a message queue 377. BCM 378 accesses stored configure values 382 for the bonus server 370 through the configuration data control module 381. BCM 378 also accesses the bonus pool 304 and hidden pool 306 values stored in pool value and previous meters 384 through a pool data control module 383.

MCM 376 calculates updated meter values for each participating gaming device 300. Incoming packets for MCM 376 are stored in a message queue 375. MCM 376 accesses stored configure values 382 for the bonus server 370 through the configuration data control module 381. MCM 376 also accesses the bonus pool 304, hidden pool 306 and previous meter values stored in pool value and previous meters 384 through a pool data control module 383. Finally, MCM 376 updates the bonus server's configuration by sending updated configuration values to CSM 380.

Acres at col. 31, lines 13-59. The queues in this cited portion of Acres may store the messages temporarily, but this is not the same as a "store-and-forward mechanism," as recited in claim 11.

One of ordinary skill in the art would understand, Appellant's "store-and-forward" as referring to a queuing mechanism that uses persistent data storage to store messages until the intended receiver has an opportunity to receive it. This provides for a reliable method for asynchronous messaging. As described in Appellant's description:

Message queuing guarantees message delivery through a store-and-forward mechanism that delivers the message to the next processing component in the system as soon as it becomes available. If the application is off-line, the message director in combination with message queuing stores the message in a queue on a hard disk drive. Once back online, the event messages stored on disk can be retrieved from the point that communications were interrupted and forwarded to the appropriate application.

Application at p. 12, lines 16-21. In contrast, this type of offline storage is not disclosed, taught, or suggested in the cited portions of Acres.

Thus, because Acres apparently does not disclose or describe all of elements of claim 11 in the arrangement provided in this claim, Appellant respectfully submits that no *prima facie* case of anticipation exists with respect to claim 11. Moreover, because Acres does not disclose, teach, or suggest all of the elements of claim 11, Appellant respectfully submits that no *prima facie* case of obviousness exists with respect to claim 11. Accordingly, Appellant respectfully requests reconsideration and reversal of the § 102 and § 103 rejections of this claim.

C.2. The rejection of claims 12-14 and 17 using Acres in view of Bowman-Amuah.

The dependent claims 12-14 and 17 depend from independent claims 1 and 10, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. Thus, Appellant respectfully requests reconsideration and reversal of the rejection of these claims.

SUMMARY


In sum, because the cited references do not disclose, teach, or suggest all of the subject matter of claims 1, 4, 8-11, 15, and 18, and because there is a lack of evidence showing a motivation or suggestion to combine these references, Appellant respectfully requests reconsideration and reversal of all bases of rejection of all claims 1-18. Furthermore, any dependent claims not specifically addressed depend directly or indirectly on independent claims 1 and 10, and accordingly incorporate the limitations of these independent claims. As such, Appellant respectfully requests reconsideration and reversal of all bases of rejection of all dependent claims.

Respectfully submitted,

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By

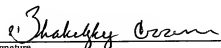


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of June 2009.

Zhakalazky M. Carrien

Name



Signature

8. CLAIMS APPENDIX

1. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:
 - receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;
 - identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue; and
 - transmitting the received primary event message to the identified first application queue.
2. The method of claim 1, further including:
 - retrieving the primary event message from the first application queue with the first application; and
 - processing the primary event message with the first application.
3. The method of claim 2, further including:
 - generating a secondary event message from the processing of the primary event message;
 - transmitting the secondary event message to the routing queue of the central sever;
 - identifying a second application queue associated with a second application configured to process the secondary event message using the association data structure, the association data structure storing an association of the secondary event message to the second application queue; and
 - transmitting the secondary event message to the identified second application queue.
4. The method of claim 2, further including executing the first application on a secondary server in communication with the central server.

5. The method of claim 4, further including:
 - generating a secondary event message from the processing of the primary event message;
 - transmitting the secondary event message to the routing queue of the central server;
 - identifying a second application queue associated with a second application configured to process the secondary event message using the association data structure, the association data structure storing an association of the secondary event message to the second application queue;
 - and
 - transmitting the secondary event message to the second application queue.
6. The method of claim 1, wherein the gaming terminal generates the primary event message.
7. The method of claim 3, further comprising identifying, using the second event message, the gaming terminal that generated the primary event message.
8. A gaming network comprising:
 - a gaming terminal for generating an event message; and
 - a central server in communication with the gaming terminal, the central server including:
 - a routing queue operable to receive a plurality of event messages including the event message for one or more applications,
 - a plurality of application queues, each application queue operable to receive one or more event messages of the plurality of event messages, each application queue associated with an application of the one or more applications to process the received one or more event messages in each respective application queue,
 - an association data structure, implemented using a relational database and operable to establish an association between the plurality of event messages and at least one application queue of the plurality of application queues,
 - wherein the central server is operable to receive the plurality of event messages in the routing queue, identify via the association data structure at least one application queue of the plurality of application queues corresponding to the received plurality of event

messages and transmit the received plurality of event messages to the at least one application queue identified via the association data structure.

9. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in the central server from one of the plurality of gaming terminals, the central server including an association data structure implemented using a relational database, the association data structure associating the primary event message with at least one application configured to process the primary event message;

identifying, using the association data structure, at least one application to process the primary event message; and

transmitting the received primary event message to the identified at least one application for processing.

10. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;

identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to the first application queue;

identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data structure storing the association of the primary event message to the second application queue; and

transmitting the received primary event message to the identified first and second application queues.

11. The method of claim 10, wherein the transmitting the received primary event message to the identified first and second application queues includes using message queuing, the message queuing including a store-and-forward mechanism.
12. The method of claim 11, wherein the message queuing prioritizes messages received in the first and second application queues, the prioritization configured to guarantee adequate response time for a critical application at the expense of a less important application.
13. The method of claim 12, wherein the primary event message is formatted using a standardized interface language.
14. The method of claim 13, wherein the standardized interface language includes an extensible markup language (XML).
15. The method of claim 1, wherein identifying the first application queue associated with the first application configured to process the primary event message comprises:
 - determining an event type associated with the primary event message; and
 - determining, using the relational database, a queue identifier related to the event type, the queue identifier identifying the first application queue.
16. The method of claim 1, further including using a message oriented middleware to receive the primary event message in the routing queue of the central server, transmit the received primary event message to the identified first application queue, and retrieve the primary event message from the first application queue with the first application.
17. The method of claim 16, wherein the message oriented middleware is configured to prioritize one or more primary event messages in the routing queue of the central server.

18. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;

identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue;

transmitting the received primary event message to the identified first application queue;
retrieving the primary event message from the first application queue with the first application;

processing the primary event message with the first application;

identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data structure storing an association of the primary event message to the second application queue;
and

routing the primary event message to the second application queue.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.